## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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ERIC CHATMAN.

Plaintiff,

VS.

CAESARS PALACE CO., et al.,

Defendants.

2:18-cv-00224-RFB-VCF

REPORT AND RECOMMENDATION FOR DISMISSAL WITH PREJUDICE

On March 1, 2018, the Court granted Plaintiff Eric Chatman's application to proceed *in forma pauperis* and dismissed his complaint without prejudice. (ECF No. 3). The Court found that the complaint failed to state a claim under 42 U.S.C. § 1983. (*Id.* at 3-4).

The Court gave Plaintiff until April 16, 2018 to file an amended complaint and warned that "[f]ailure to timely file an Amended Complaint that addresses the deficiencies noted in this Order may result in a recommendation for dismissal with prejudice." (*Id.* at 4). Plaintiff has failed to file an amended complaint or an objection to the Court's order. For the reasons discussed in the Court's March 1, 2018 Order, Plaintiff's complaint should be dismissed with prejudice.

Accordingly, and for good cause shown,

IT IS RECOMMENDED that this action be DISMISSED WITH PREJUDICE and Judgment entered, accordingly.

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<sup>1</sup> Plaintiff filed documents titled "Amended Complaint" (ECF No. 5) and "Amended Pleadings and Exhibits" (ECF No. 6), but they do not address the issues raised in the Court's Order. They merely restate the allegations raised in the Complaint.

NOTICE

Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time (*See Thomas v. Arn*, 474 U.S. 140, 142 (1985)). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. (*See Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)).

Pursuant to LSR 2-2, the Plaintiff must immediately file written notifications with the court of any change of address. The notification must include proof of service upon each opposing party or the party's attorney. Failure to comply with this Rule may result in dismissal of the action. (See LSR 2-2).

IT IS SO ORDERED.

DATED this 18th day of April, 2018.

CAM FERENBACH

UNITED STATES MAGISTRATE JUDGE

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